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Attorneys for Defendants 4.Collective, LLC and Urban Outfitters, Inc. related to "PCM-2299-D165" and "Accused Product A"

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff Wongab Corporation (“Plaintiff”), on the one hand, and Defendants Urban Outfitters, Inc. (“Urban Outfitters”) and 4.Collective, LLC (“4.Collective”), on the other hand, by and through their counsel, stipulate and agree as follows:

WHEREAS, pursuant to a vendor agreement entered into in or around 2014,

1 4. Collective is obligated to defend, indemnify, and hold harmless Urban Outfitters,  
2 *inter alia*, in connection with claims of intellectual property rights infringement  
3 related to garments that 4. Collective sold to Urban Outfitters, such garments being  
4 in this case the garment designated in the Complaint (Dkt. No. 1) as “Accused  
5 Product A;”

6 WHEREAS, in accordance with said vendor agreement, Urban Outfitters  
7 Outfitters”) and 4. Collective, LLC (“4. Collective”) are jointly represented by  
8 Gordon E. R. Troy, P.C. and, as local counsel, Paul D. Supnik, on all claims  
9 related to “Accused Product A;”

10 WHEREAS, Plaintiff filed the instant action on August 11, 2017;

11 WHEREAS, Plaintiff served the Complaint (Dkt. No. 1) on Urban Outfitters  
12 via certified mail, with service deemed complete on August 28, 2017, and Urban  
13 Outfitters’ response to the Complaint was due on September 18, 2017 (Dkt. No.  
14 11);

15 WHEREAS, pursuant to a Fed. R. Civ. P. 4 waiver, 4. Collective’s deadline  
16 to respond to the Complaint is November 14, 2017 (Dkt. No. 16);

17 WHEREAS, on October 3, 2017, pursuant to the Parties’ stipulation, the  
18 Court granted an extension the deadline for Urban Outfitters and Defendant Salt &  
19 Pepper Clothing (“Salt & Pepper”) to respond to the Complaint to November 14,  
20 2017, in order to align all of the Defendants’ responsive pleading deadlines (Dkt.  
21 No. 22-23);

22 WHEREAS, Urban Outfitters and Salt & Pepper, in response to the  
23 Complaint, intend to file a motion to dismiss, which may be joined by 4. Collective;

24 WHEREAS, pursuant to the “meet and confer” conference on November 7,  
25 2017, Plaintiff’s counsel indicated that Plaintiff may voluntarily (1) amend its  
26 Complaint to address the pleading issues identified during the conference, and  
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1 (2) agree to sever and transfer to the United States District Court, Southern District  
2 of New York, the claims against 4. Collective and Urban Outfitters related to  
3 "PCM-2299-D165" and "Accused Product A;"

4 WHEREAS, 4. Collective contends that Plaintiff's patent claim must be  
5 brought against 4. Collective in the judicial district in which 4. Collective resides,  
6 i.e., the Southern District of New York, and Plaintiff agrees that its patent claim  
7 may be brought in the Southern District of New York;

8 WHEREAS, 4. Collective contends that this Court does not have personal  
9 jurisdiction over 4. Collective, and Plaintiff agrees that its claims against  
10 4. Collective and Urban Outfitters regarding the "PCM 2299-D165" and "Accused  
11 Product A" may be brought in the Southern District of New York;

12 WHEREAS, 4. Collective contends and Plaintiff agrees, for purposes of this  
13 stipulation, that the claims against 4. Collective can be severed from the other  
14 claims in this action without prejudice to any party;

15 WHEREAS, 4. Collective and the other Defendants, other than Urban  
16 Outfitters, have no claims against each other whatsoever related to the subject  
17 matter of the Complaint;

18 WHEREAS, 4. Collective contends, and Plaintiff for purposes of this  
19 stipulation does not dispute, that Plaintiff does not maintain offices in California  
20 and is not licensed to do business in the State of California;

21 WHEREAS, Urban Outfitters is a corporation organized and existing under  
22 the laws of the state of Pennsylvania, with its principal offices located in  
23 Philadelphia, Pennsylvania, which is less than 100 miles from the Southern District  
24 of New York, and consents to the severance and transfer to the United States  
25 District Court, Southern District of New York, of all claims against Urban  
26 Outfitters related to "PCM-2299-D165" and "Accused Product A," such transfer  
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1 being convenient for Defendant Urban Outfitters;

2 WHEREAS, 4.Collective purchased the fabric for “Accused Product A”  
3 from Toposilks Co., Ltd. (“Toposilks”), a South Korean company whose  
4 representative visited 4.Collective at its New York offices, and solicited sales of  
5 the fabric used in the manufacture of “Accused Product A;”

6 WHEREAS, 4.Collective believes that Toposilks is subject to personal  
7 jurisdiction in the Southern District of New York, and not in the Central District of  
8 California;

9 WHEREAS, 4.Collective intends to join Toposilks as a party defendant  
10 following severance and transfer to the Southern District of New York as  
11 stipulated herein;

12 WHEREAS, the joinder of Toposilks is likely to accord complete relief  
13 among Plaintiff, 4.Collective, and Urban Outfitters of the issues raised in the  
14 Complaint with respect to “PCM-2299-D165” and “Accused Product A;”

15 WHEREAS, in the interest of avoiding motion practice that may be mooted  
16 by amendment of the Complaint and severance and transfer of claims related to  
17 “PCM-2299-D165” and “Accused Product A,” Plaintiff, 4.Collective, Urban  
18 Outfitters, and Salt & Pepper jointly moved this Court to extend Defendants’  
19 responsive pleading deadline from November 14, 2017, to December 12, 2017,  
20 *inter alia*, to allow Plaintiff sufficient time to review and amend its Complaint;

21 WHEREAS, on November 13, 2017, pursuant to the Parties’ stipulation, the  
22 Court granted an extension of the deadline for 4.Collective, Urban Outfitters, and  
23 Salt & Pepper to respond to the Complaint to December 12, 2017 (Dkt. No. 29);

24 WHEREAS, Plaintiff, 4.Collective, and Urban Outfitters, with the consent  
25 of Salt & Pepper, hereby jointly move this Court, to Order severance and transfer  
26 to the United States District Court, Southern District of New York, of the claims  
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1 against 4. Collective and Urban Outfitters related to "PCM-2299-D165" and  
2 "Accused Product A" either upon Plaintiff's filing of an Amended Complaint or, if  
3 no Amended Complaint is filed, on December 12, 2017; and

4 WHEREAS, Plaintiff, 4. Collective and Urban Outfitters believe that the  
5 interests of judicial and party efficiency will best be served by said severance and  
6 transfer.

7 NOW, THEREFORE, Plaintiff and Defendants 4. Collective and Urban  
8 Outfitters, with the consent of Salt & Pepper, stipulate and agree to the severance  
9 and transfer to the United States District Court, Southern District of New York, of  
10 the claims against 4. Collective and Urban Outfitters related to "PCM-2299-D165"  
11 and "Accused Product A" either upon Plaintiff's filing of an Amended Complaint  
12 or, if no Amended Complaint is filed, on December 12, 2017, it being understood  
13 that responsive pleadings with respect to the severed and transferred claims will be  
14 filed in the United States District Court, Southern District of New York, following  
15 such severance and transfer.

16 SO STIPULATED AND JOINTLY MOVED.

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18 Dated: November 16, 2017

19 GORDON E. R. TROY, PC

20  
21 /s/ Gordon E. R. Troy  
22 By: \_\_\_\_\_  
23 Gordon E.R. Troy  
24 Attorneys for Defendants  
25 4.COLLECTIVE, LLC and  
26 URBAN OUTFITTERS, INC.  
27  
28

1 PAUL D. SUPNIK  
2

3 /s/ Paul D. Supnik  
4

5 By: \_\_\_\_\_  
6 Paul D. Supnik  
7 Local Counsel, Attorneys for  
8 Defendants 4.COLLECTIVE,  
9 LLC and URBAN  
10 OUTFITTERS, INC.  
11

12 Dated: November 16, 2017

13 GORDON REES SCULLY  
14

15 MANSUKHANI, LLP  
16

17 /s/ Hazel Mae B. Pangan  
18

19 By: \_\_\_\_\_  
20 M. D. Scully  
21 Hazel Mae B. Pangan  
22 Attorneys for Defendant  
23 URBAN OUTFITTERS, INC.  
24

25 Dated: November 16, 2017

26 FRANK N. LEE LAW OFFICES  
27

28 /s/ Frank N. Lee  
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2 By: \_\_\_\_\_  
3 Frank N. Lee  
4 Attorneys for Defendants  
5 SALT & PEPPER CLOTHING,  
6 INC. and URBAN OUTFITTERS,  
7 INC.  
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1 Dated: November 16, 2017

DONIGER BURROUGHS APC

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/s/ Scott A. Burroughs

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By: \_\_\_\_\_

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Stephen M. Doniger

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Scott A. Burroughs

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Justin M. Gomes

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Trevor William Barrett

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Attorneys for Plaintiff

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WONGAB CORPORATION

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## ATTESTATION REGARDING SIGNATURES

I, Gordon E. R. Troy, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: November 16, 2017

/s/ Gordon E. R. Troy

Gordon E. R. Troy

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2017, a copy of the foregoing document was filed electronically with the Clerk of the Court using the Court's CM/ECF electronic filing system, which will send an electronic copy of this filing to all counsel of record.

/s/ Gordon E. R. Troy

Gordon E. R. Troy